

REMARKS

Claims 1-22 are pending in the application, of which claims 15-22 are allowed. Claims 1-14 stand rejected. Claim 6 has been amended above to provide a clearer antecedent basis for the “recess”. Claims 1 and 14 have been amended to recite additional aspects of Applicants’ invention.

SPECIFICATION

The abstract of the disclosure was objected to, because at line 6 of page 25 of the specification, the abstract “has a phrase ‘said substrate’. ‘Said’ is avoided phrase.”

Applicants of amended the abstract above, deleting the word “said” and replacing it with the word “the”. Accordingly, Applicants understand the objection to be overcome and respectfully request that the objection to the abstract be withdrawn. The abstract was also amended to delete a spurious occurrence of the word “an”.

REJECTIONS UNDER 35 U.S.C. 112

Claim 6 stands rejected under 35 U.S.C. 112, second paragraph, “as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” In particular, the Office Action states that claim 6 recites “the recess” for which “there is insufficient antecedent basis.”

Claim 6 has been amended above to recite that the substrate comprises a recess to provide a clearer antecedent basis for the term “the recess”. Accordingly, Applicants understand the rejection of claim 6 to be overcome and respectfully request that such rejection be withdrawn.

REJECTIONS UNDER 35 U.S.C. 102

Claims 1, 2, 6, and 9-12 stand rejected under 35 U.S.C. 102(e) as being anticipated by Yoshida (US Patent 6,632,027). The office Action states that regarding claims 1 and 2, “Yoshida et al. disclose (in figures 1-5) an optical device package comprising a substrate (140) and an upper surface and an elongated linear groove (141) for receiving an optical fiber (130);... and a frame (160) sealed to the upper surface of the substrate (140) and having a flat bottom surface, the top surface of the optical fiber (130) being at or below the level of the bottom surface of the frame (as shown in figures 4 and 5);...”

Applicants have amended claim 1 above to recite “a frame comprising a flat bottom surface sealed to the upper surface of the substrate, the top surface of the optical fiber being at or below the level of the bottom surface of the frame.” Applicants respectfully submit that Yoshida fails to disclose “a frame comprising a flat bottom surface sealed to the upper surface of the substrate, the top surface of the optical fiber being at or below the level of the bottom surface of the frame.”

Yoshida discloses a metal part 160 having an opening 162 through which an optical fiber 130 is placed. On either side of the opening 162 are two metal tabs that extend downward from the upper surface of the metal part 160. (See Fig. 1.) The bottom surface of the metal part 160 is therefore located at the bottom of these two tabs. It is clearly illustrated in Figures 1, 4, and 5 that the bottom surface of the metal part 160 is disposed below the fiber 130. That is, the ends of the tabs are fixed to the lead frame 150 at the location of the epoxy 195, which is below the upper surface of the optical fiber 130. Specifically, Yoshida discloses that the “boxy conductive metal parts 160 formed by press manufacturing is [sic] fixed to the lead frame 150 using epoxy resin 195 with conductivity and high thermal conductivity.” (Column 4, lines 39-42.) Thus, the top surface of the optical fiber 130 of Yoshida is disposed above the bottom surface of the metal part 160 of Yoshida. Moreover, neither the tabs or any part of metal part 160 is sealed to the substrate 140. Rather the tabs are epoxied to the lead frame 150. Hence, Yoshida does not disclose Applicants’ claimed feature of “a frame comprising a flat bottom surface sealed to the upper surface of the substrate, the top surface of the optical fiber being at or below the level of the bottom surface of the frame”, as recited in independent claim 1. Accordingly, Applicants respectfully request that the rejections of independent claim 1, as well as claims 2, 6, and 9-12, which depend therefrom.

REJECTIONS UNDER 35 U.S.C. 103(a)

Claims 3-5, 7, 8, and 14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida in view of Shuto et al. (US Patent 6,558,426). The Office Action states that “Yoshida et al. disclose all the limitations of the claimed invention except for the frame including a single piece member having band-like structure defining an opening as recited in claims 3 and 14....”

Application No.: 09/966,973
Docket No.: ACT - 162

Art Unit: 2874
Examiner: Jennifer Doan

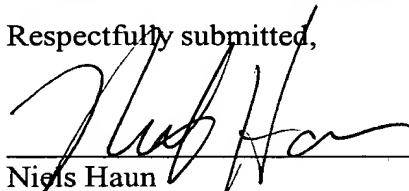
With regard to dependent claims 3-5, 7, and 8, claims 3-5, 7, and 8 depend, directly or indirectly, from claim 1. Thus, claims 3-5, 7, and 8 are patentable for at least the reasons provided above regarding claim 1. Regarding claim 14, claim 14 has been amended in a similar manner to that of claim 1 to recite "a frame comprising a flat bottom surface sealed to the upper surface of the substrate, ... the top surface of the optical fiber being at or below the level of the upper surface of the substrate." For the reasons presented above with regard to claim 1, Yoshida at least fails to disclose the feature of "a frame comprising a flat bottom surface sealed to the upper surface of the substrate, ... the top surface of the optical fiber being at or below the level of the upper surface of the substrate" as recited in claim 14. Shuto does not cure this deficiency in Yoshida. Therefore, a proposed combination of Yoshida with Shuto fails to disclose each and every element recited in independent claim 14. For these reasons, Applicants respectfully request that the rejections of claims 3-5, 7, 8, and 14 be withdrawn.

Allowed Subject Matter

Applicants note with appreciation the indication that claims 15-22 are allowable.

In view of the foregoing amendments and remarks, it is believed that the claims in this application are now in condition for allowance. Early and favorable reconsideration is respectfully requested. The Examiner is invited to telephone the undersigned in the event that a telephone interview will advance prosecution of this application.

Respectfully submitted,



Niels Haun
PTO Reg. No. 48,488

DANN DORFMAN HERRELL & SKILLMAN
A Professional Corporation
1601 Market Street, Suite 720
Philadelphia, PA 19103
Phone: (215) 563-4100
Fax: (215) 563-4044